

**BEFORE THE STATE BOARD OF MEDIATION**  
**STATE OF MISSOURI**

City Hall, Centralia, Missouri, 2:00 P.M., Friday, March 9, 1973

Daniel C. Rogers, Chairman, Truman Henry and Don F.  
Allard, Employer Members, and Charles Bibbs and  
Jack F. Moore, Employee Member

**PUBLIC CASE NO. 73-075**

CITY OF CENTRALIA

and

PUBLIC SERVICE EMPLOYEES, LOCAL UNION NO. 45

**PROCEEDING:** To resolve issue of Appropriate Bargaining Unit

**APPEARANCES**

**FOR LOCAL UNION NO. 45**

Mitchell Bennett, Business Manager  
116 North 8th Street  
Columbia, Missouri

**FOR THE CITY OF CENTRALIA**

Thomas Osborne, Esquire,  
City Attorney for City of Centralia, Missouri  
Paul D. Sturgeon, Mayor  
Centralia, Missouri

**JURISDICTIONAL STATEMENT**

Pursuant to Section 105.525, under date of February 14, 1973, Mayor Paul D. Sturgeon, City of Centralia, and Mitchell Bennett, Business Manager of Public Service Employees, Local Union No. 45, addressed a joint letter to the Chairman of the State Board of Mediation requesting

" . . . that the State Board of Mediation resolve the issue of the appropriate bargaining unit among the City Employees of the City of Centralia, Boone County, Missouri.

We also request that after the issue of an appropriate unit is resolved, that an election by secret ballot be conducted by the State Board of Mediation to resolve the exclusive bargaining agent."

## **STATEMENT OF PROCEEDINGS**

In opening statements, it was agreed between Mayor Sturgeon, City Attorney Osborne and Local Union No. 45 Business Manager Mitchell Bennett, that the group of approximately 10 to 12 city employees involved in the issue of (a) appropriate bargaining unit (with the total number varying from time to time) performed their duties within the following departments of the City of Centralia, namely, Street Department, Water and Sewer Department, Light Department, Parks and Public Property and Landfill Department. As needed, for seasonal or other reasons, employees may be transferred back and forth in work assignments.

It was agreed between the parties that only three employees were involved in dispute as to their inclusion in the (a) appropriate bargaining unit, namely, the three employees designated by the City as supervisors or foremen within the (1) Street Department, (2) the Water and Sewer Department and (3) the Light (or Electric) Department, --which consists only of a City- owned electric distribution system, since the City buys its electric current wholesale from privately owned power company.

The Union Business Manager elicited testimony from the three employees, aforesaid, tending to prove that their work was that of "working foreman" and that they did not have authority or perform sufficient work within the traditional classification of the term "supervisor" to exclude them from the (a) appropriate bargaining unit. That is to say, that although they did direct the performance of the work, they also performed a considerable share of the menial and technical work, side by side the other workers in their respective working units.

On cross examination, the City Attorney, and the Mayor elicited testimony intending to prove that the three witnesses, aforesaid, were "supervisors", who should be excluded from the (a) appropriate bargaining unit.

On behalf of the City of Centralia, City Attorney Tom Osborne introduced in evidence ordinances tending to support the City's contention that the three employees aforesaid were "supervisors", as a matter of law. To illustrate, each of the ordinances provides, as follows:

"The foreman shall have control of all employees of the \_\_\_\_\_ department, subject to the superintending control of the City Administrator, and to the rules and regulations prescribed by the Board of Alderman, and all such employees shall be subject to his direction."

Union Exhibits #1, #2 and #3 were membership cards signed by the three employees in dispute, namely Alvin Jacobs, Harold W. Adkisson and George W. Griffin. Each of the three employees identified his signature and the date in October, 1972, when he signed his card. Each affirmed his wish to be a member of the union.

Witness Howard R. Burton, City Administrator since 1968, testified that all of the work of the three so-called foremen is performed subject to his superintending supervision and control. No ordinance establishing the office of City Administrator was introduced in evidence. The Board assumes that Mr. Burton's authority stems from Section 77.042 RSMo. Together with the City Engineer Robert Hagerty, as his assistant, the work of the physical employees involved in this proceeding is planned and laid out primarily, and supervised by City Administrator Howard R. Burton. The three foremen, mentioned above, are working foremen.

#### **FINDINGS OF FACT**

The State Board of Mediation finds that the physical workers of the City of Centralia in the Street Department, the Water and Sewer Department, the Electrical (or Light) Department, the Landfill Department, or other departments employing physical workers, including the three employees mentioned in Union Exhibits #1, #2 and #3

constitute a unit of employees in a public body which establishes a clear and identifiable community of interest among the employees concerned. Section 105.500 (3) RSMo.

### **CONCLUSIONS OF LAW**

The State Board of Mediation further finds, as a matter of law, that the employees described in the findings of facts, aforesaid, constitute an "appropriate unit", pursuant to Section 105.500 (3) RSMo.

REHEARING: If either or both parties should elect to file a motion for rehearing within five (5) days, supported by suggestions, the Board will give prompt consideration to such motion or motions. Otherwise, the Board is available, forth-with, to proceed by secret ballot at Centralia to resolve the issue of (b) majority representation and exclusive bargaining representative.

Respectfully submitted,

MISSOURI STATE BOARD OF MEDIATION

(SEAL)

/s/ Daniel C. Rogers  
Daniel C. Rogers  
Chairman and Public Member

/s/ Truman Henry  
Truman Henry, Employer Member

/s/ Don F. Allard  
Don F. Allard, Employer Member

/s/ Charles R. Bibbs  
Charles R. Bibbs, Employee Member

/s/ Jack F. Moore  
Jack F. Moore, Employee Member